<u>Amendments to the Drawings</u>

Fig. 3 is amended to provide a missing reference number 302, thereby aligning the figure with its corresponding text on p. 14, line 10 of the specification.

Similarly, **Fig. 5** is amended to provide a missing reference number **502**, thereby aligning the figure with its corresponding text on p. 20, line 5 of the specification.

No new matter has been introduced.

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REMARKS

The Specification and Drawings have been amended. Claims 18 and 20 - 27 have been amended. No new matter has been introduced with these amendments, all of which are supported in the specification as originally filed. Claims 1 - 27 remain in the application.

I. Proposed Replacement Drawings

Proposed replacement drawings are provided herewith for Figs. 3, and 5, as discussed above in "Amendments to the Drawings". No new matter has been introduced with these proposed replacement drawings.

II. Objection to the Specification

Paragraph 2 of the Office Action dated October 7, 2005 (hereinafter, "the Office Action") states that the specification is objected to because of missing serial numbers. Appropriate amendments have been made herein, and the Examiner is respectfully requested to withdraw this objection.

III. Objection to the Claims

Paragraph 3 of the Office Action states that the claims are objected to because of improper numbering. The renumbering suggested by the Examiner has been used herein, and the Examiner is respectfully requested to withdraw this objection.

IV.   Rejection under 35 U. S. C. §102(e)

Paragraph 4 of the Office Action states that Claims 1 - 12 and 15 - 27 are rejected

under 35 U.S.C. §102(e) as being anticipated by U. S. Patent 6,567,893 to Challenger et al.

(hereinafter, "Challenger"). This rejection is respectfully traversed.

As the Federal Circuit stated in *W.L. Gore & Associates v. Garlock, Inc.*, 220 USPQ

303, 313 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984), "Anticipation requires the

disclosure in a single prior art reference of *each element* of the claim under consideration."

(emphasis added). Applicants respectfully submit that Challenger does not teach all

limitations of independent Claims 1, 19, and 24, and that the Office Action therefore fails to

make out a *prima facie* case of anticipation as to these claims, as will now be discussed.

The Office Action fails to cite a reference that teaches the first limitation of

Applicants' independent Claims 1, 19, and 24, namely "receiving, at a cache store, a request

message inquiring whether the cache store will accept particular content for caching". Col. 1,

lines 58 - 59 have been cited as teaching this limitation. However, the cited text does not

pertain to a request message "inquiring whether the cache store will accept particular content

for caching" (emphasis added). Instead, the cited text discusses "a server computing node

determin[ing] whether a given cache node should receive a cache update ..." (emphasis

added). Making a determination at a server computing node, as taught in the cited text, is

distinct from inquiring of a cache store (i.e., asking the cache store to make the decision), as

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specified in the first limitation of Applicants' independent claims.

The Office Action fails to cite a reference that teaches the second limitation of Applicants' independent Claims 1, 19, and 24, namely "deciding, responsive to receiving the request message, whether the cache store will accept or reject the particular content". CoL 3, lines 53 - 65 have been cited as teaching this limitation. Applicants respectfully submit that the analysis presented in the Office Action has misinterpreted the cited text, and/or reads into that text teachings which are not there. The Office Action states (page 3, penultimate paragraph) that the cited text teaches "if the cache 12a is up to date it rejects and if not accepts the update". Applicants respectfully disagree with this analysis/summary of the cited text. What is actually taught by the cited text is that the proxy server 12 sends a request message to the Web server if the proxy 12 "does not know whether the copy of the desired object stored in the cache 12a is current" (col. 3, lines 53 - 55). In response to this request message, Challenger's server 14 may send a content response message comprising either

(i) an updated version of content (col. 3, lines 58 - 60); or

(ii) a notification (col. 3, lines 63 - 64), notifying the proxy 12 that its copy is already current.

Applicants respectfully submit that the cited text does not teach any "rejecting" being done by the proxy 12, in contrast to the analysis stated in the Office Action. Instead, it is Challenger's server that makes the decision as to whether content is sent to the proxy. See

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col. 3, lines 58, "If the server **14** determines ..." and col. 3, line 61 - 62, "On the other hand, if the server 14 determines ...". The cited text has <u>no indication</u> that Challenger's proxy **12** makes a decision upon receiving that content, and in particular, there is no indication that the proxy "decid[es], responsive to receiving the request message [that inquires about <u>accepting</u> content], whether the cache store will accept or reject that particular content".

The Office Action fails to cite a reference that teaches the third limitation of Applicants' independent Claims 1, 19, and 24, namely "sending, from the cache store, a response to the request message, wherein the response indicates the cache store's decision". Col. 3, lines 53 - 65 have been cited as teaching this limitation. The Office Action analysis (page 3, last paragraph) states "the proxy 12 sends a <u>request</u> to the web server 14 which <u>indicates</u> ..." (emphasis added). Sending a <u>request</u> message is not pertinent, as Applicants' claim language clearly specifies sending a <u>response</u> to a request message. The response message specified in Applicants' claim language "indicates the <u>cache store's decision</u> [as to whether to accept or reject content]" (emphasis added). By contrast, the <u>request</u> message referenced in the Office Action is a message that <u>asks the server</u> **14** to decide whether the proxy 12 should get a content update. Col. 3, lines 55 - 56, lines 58 - 59, and lines 61 - 63. Asking the server to make a decision (as in the cited text from Challenger) is distinct from sending a response message indicating a decision made <u>by the cache store</u> (as in Applicants' claim language).

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Accordingly, it can be seen that the cited text does not teach <u>any</u> of the three limitations of Applicants' independent Claims 1, 19, and 24. The Office Action therefore fails to make out a *prima facie* case of anticipation as to these claims, and the independent claims are therefore deemed patentable over the reference.

Applicants also respectfully disagree with the analysis of their dependent claims. For example, the analysis of dependent Claim 2 (Office Action, page 4, first paragraph) states that col. 3, lines 53 - 65 of Challenger teach a cache sending a <u>response</u> that it needs to be updated. What is taught in the cited text is, in fact, quite different. The cited text states that the cache sends a <u>request</u> message (col. 3, lines 55 and 56) <u>asking the server to decide</u> whether the cache's content needs to be updated. As another example, the analysis of dependent Claim 3 presents <u>no citations</u> to support the assertion that "the particular message describes the update". However, these are moot points, as the dependent claims are deemed patentable by virtue of (*inter alia*) the allowability of the independent claims from which they depend.

Accordingly, dependent Claims 2 - 12, 15 - 18, 20 - 23, and 25 - 27 are therefore deemed patentable over the reference as well.

The Examiner is therefore respectfully requested to withdraw the §102 rejection of all claims.

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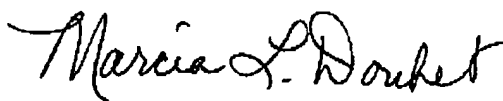
V.   Rejection under 35 U. S. C. §103(a)

Paragraph 2 on Page 6 of the Office Action states that Claims 13 - 14 are rejected

under 35 U.S.C. §103(a) as being unpatentable over Challenger in view of U. S. Patent

Publication 2005/0086300 to Yeager. This rejection is respectfully traversed.

Applicants have demonstrated, above, that their independent Claims 1, 19, and 24 are

patentable over Challenger. Accordingly, dependent Claims 13 - 14 cannot be rendered

unpatentable by combining Challenger with Yeager. The Examiner is therefore respectfully

requested to withdraw the §103 rejection.

VI.   Conclusion

Applicant respectfully requests reconsideration of the pending rejected claims,

withdrawal of all presently outstanding objections and rejections, and allowance of all claims

at an early date.

Respectfully submitted,

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Attachment: Replacement Sheet (1)

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